

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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MCNEIL NUTRITIONALS, LLC,  
Plaintiff,

v.

HEARTLAND SWEETENERS LLC and  
HEARTLAND PACKAGING CORP.,  
Defendants.

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Civil Action No. 06-5336 (JRP)

**JOINT LIST OF EXHIBITS ADMITTED INTO EVIDENCE  
DURING THE PRELIMINARY INJUNCTION HEARING  
BEFORE THE HONORABLE JOHN R. PADOVA  
UNITED STATES DISTRICT JUDGE**

**McNeil's Exhibits**

<b>PX #</b>	<b>Description</b>
1A	Splenda (original packaging): 100 ct. box
1B	Splenda (original packaging): Individual packet
1C	Splenda (original packaging): Granular bag
2A	Splenda (refreshed packaging): 100 ct. box
2B	Splenda (refreshed packaging): Individual packet
3A	Giant Sweetener: 100 ct. box
3B	Giant Sweetener: Individual packet
3C	Giant Sweetener: Granular bag
3D	Giant Sweetener: 100 ct. box w/ "Tastes Like Sugar" Slogan
4A	Stop & Shop Sweetener: 100 ct. box
4B	Stop & Shop Sweetener: Individual packet

<b>PX #</b>	<b>Description</b>
4C	Stop & Shop Sweetener: Granular bag
5A	Tops Sweetener: 100 ct. box
5B	Tops Sweetener: Individual packet
6A	Safeway Sucralose: 100 ct. box
6B	Safeway Sucralose: Individual packet
7A	Food Lion Sweet Choice: 100 ct. box
7C	Food Lion Sweet Choice Granular bag
8	Photo of Sweet'N Low 50 ct. box
9A	Sweet'N Low (refreshed packaging): 100 ct. box
9B	Sweet'N Low: Individual packet
10A	Equal (refreshed packaging): 100 ct. box
10B	Equal: Individual packet
11A	Altern: 200 ct. box
11B	Altern: Individual packet
12	Splenda Sales (demonstrative)
13	Splenda Sales Data (IRI) \$ (demonstrative)
13A	Splenda Market Share Data (IRI) % (demonstrative)
14	Splenda Packet Sales (demonstrative)
15	Jan. 20, 2003 Television Ad
16	Oct. 4, 2004 Television Ad
17	May 22, 2006 Television Ad
18	March 2001 Print Ad
19	October 2004 Print Ad

<b>PX #</b>	<b>Description</b>
20	May 2006 Print Ad
21	Heartland Market Share (IRI)
33	Food Lion store shelf photo attached to Complaint as Exhibit F
34	Safeway store shelf photo attached to Complaint as Exhibit F
35	Stop & Shop store shelf photo attached to Complaint as Exhibit F
36	Tops store shelf photo attached to Complaint as Exhibit F
37	Photo of Equal package
39	Photo of SAME no-calorie sweetener package
104	Splenda Sugar Blend
111	Betty Crocker Triple Chunk Brownie Mix with Hershey's Chocolate
112	Diet Coke with Splenda
113	Reese's Peanut Butter Cups
115	Snyder's Pumppernickel & Onion Sticks
116	Pepperidge Farm Goldfish Pretzel Crackers (100 Calorie Packs)
121	Snackwell's Creme Sandwiches
122	Snackwell's Black Forest Cookie Cakes
123	Snackwell's Devil Food Cookie Cakes
127	Photo of Williams Sonoma Products
128	Photo of Castle Crest Products
129	Photo of Payless Drugs Products
130	Photo of Safeway Family of Product
131	Composite photos for Canaan cross
132A	Albertson's Sucralose product: 100 ct. box

<b>PX #</b>	<b>Description</b>
132B	Albertson's Sucralose product: granular bag
139	Picture of Excedrin PM & Tylenol PM
140	Transcript of Margaret Grossman Deposition
140A	Grossman Declaration (Depo PX1)
140B	Grossman Depo PX2 – Sucralose box bought by Grossman
140C	Grossman Photo (Depo PX3)
140D	Grossman Photo (Depo PX4)
140E	Grossman Photo (Depo PX5)
140F	Grossman Photo (Depo PX6)
140G	Grossman Subpoena (Depo DX1)
140H	Grossman Photo (Depo DX2 – Splenda box)
142	Supplemental Declaration of Teodor Gelov
145	Safeway Sweetener (aspartame)
146	Safeway Sweetener (saccharin)
147	Original Sugar Twin Packet

### **Heartland's Exhibits**

<b>DX Letter</b>	<b>Description</b>
A	David Canaan Slide Show
H	Splenda (new packaging): granular bag
I	Equal (original packaging)
K	Splenda (original packaging): 200 ct. box
L	Splenda (new packaging): 200 ct. box

<b>DX Letter</b>	<b>Description</b>
M	Sugar Twin (new packaging): individual packet
N	Splenda (original packaging): individual packet
O	Splenda (new packaging with blue border): individual packet
P	Splenda (new packaging with blue border, stars, and slogan): individual packet
Q	Equal (new packaging with slogan): individual packet
R	Giant Sweetener: 100 ct. box containing “Compare to Splenda” statement
S	Stop & Shop Sweetener: 100 ct. box containing “Compare to Splenda” statement
T	Sample of paper stock used for Heartland packets
U	Safeway Aspartame-product box
V <sup>1</sup>	Safeway Saccharin-product box
Z	Photo of Sweet’N Low: 250 ct. box
AA	Equal (new packaging): box and packets
BB	Natratate box
CC1	Sugar Twin: granular box
CC2	Sugar Twin: 100 ct. box
DD	Domino Sugar box
EE	Ocean Spray Light Cranberry Juice Cocktail
FF	Diet Rite Cola with Splenda
II	Kellogg’s Caramel Nut Crunch
JJ	All Grain Crackers
KK	Domino Sugar (confectioners)
LL	Domino Organic Sugar bag

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<sup>1</sup> Erroneously referred to in the 2/7/07 Tr. as Exhibit B.

<b>DX Letter</b>	<b>Description</b>
MM	Agro Corn Starch
NN	Crystal Light
PP	Kellogg's Pop Tart box
QQ	Polaner Sugar Free Strawberry Topping with Splenda
RR	Diet 7up with Splenda
UU	Pepsi One Cola with Splenda
WW	Dannon Light & Fit Dairy Snack with Splenda
ZZ	Giant Circular Ad
GGG	Giant Circular Ad
HHH	Stop & Shop Circular Ad
III	Food Lion Sweet Choice: 100 ct. box
JJJ	Safeway Sucralose: 200 ct. box
KKK	Splenda (new packaging): 100 ct. box
LLL	Equal: individual packet
MMM	Safeway Sucralose: individual packet
NNN	Food Lion Sweet Choice: individual packet
OOO	Ahold (Giant, Stop & Shop, Tops) Sweetener: individual packet
PPP	Splenda (original packaging): 100 ct. box
QQQ	Stop & Shop Sweetener: granular bag
RRR	Food Lion Sweet Choice: granular bag
SSS	Safeway Sucralose: 100 ct. box

<b>DX Letter</b>	<b>Description</b>
TTT	Giant Sweetener: 200 ct. box
UUU	Domino Pure D'Lite: granular bag

Dated: March 12, 2007

Respectfully Submitted,

/s/ Karla G. Sanchez

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